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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8813 OF 2016

Maharashtra Virshaiva Sabha & Ors. ...Petitioners

VS

The Joint Charity Commissioner, Pune
Region, Pune & Ors. ...Respondents.

A/W

CIVIL APPLICATION NO.1076 OF 2017

IN

WRIT PETITION NO. 8813 OF 2016

A/W

CIVIL APPLICATION (ST) NO. 11910 OF 2017

IN

WRIT PETITION NO. 8813 OF 2016

Sunil Namdeorao Rukari & Anr. ...Applicants.

Vs

Maharashtra Virshaiva Sabbha & Ors. ...Respondents.

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Mr Dilip Bodake for the Petitioners.

Mr Sharad T. Bhosale for Respondent Nos.2 and 5 to 9.

Mr Ojas Deolankar for Respondent No.3,4 and 10.

Mr S.D.Rayrikar AGP for Respondent No.1/State.

Mr R.V.Govilkar for Respondent No.3 in CAWST No.11910 of 2017.

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**CORAM : R.D.DHANUKA, J.
APRIL 16, 2018.**

P.C. :

By consent of the Petitioners, Respondent Nos.3

and 4, the following order is passed-

- (a) The existing members of Petitioner No.1 and the members enrolled by Respondent Nos.3 and 4, as stated in the affidavit-in-reply by Respondent Nos.3 and 4 and as per the order dated 22nd August, 2016 passed by this Court, to be scrutinized by the Executive Committee of Petitioner No.1. It is made clear that the said Committee will also examine the legality of the appointments made by Petitioner No.1 as set out in the additional affidavit dated 19th December, 2017 and the expenses alleged to have been incurred under various heads. The Executive Committee shall hear the petitioners and Respondent Nos.3 and 4 before taking any decision on the issue of legality of the members claimed to have been enrolled by Petitioner No.1 as well as Respondent Nos.3,4. If the Executive Committee is satisfied about the validity of the appointments made by the petitioners and that various expenses were required to be incurred by Petitioner No.1, the Committee may permit the petitioners to pay the said amounts out of the funds of Petitioner No.1;

- (b) Based on the legalities of the membership as may be decided by the Executive Committee the Joint Charity Commissioner shall conduct election of the office bearer of Petitioner No.1 within three months from the date of finalization of the list of members by the Executive Committee;
- (c) The impugned order passed by the Authority is substituted by this order;
- (d) Insofar as the operation of the bank account is concerned, the same can be decided by the Executive Committee as directed aforesaid;
- (e) Insofar as scrutiny of the appointments made by the Petitioners and the expenses are concerned, the Executive Committee shall decide the said issue within four weeks from today and till then none of the parties are allowed to operate the bank account opened with Respondent No.3/The Vishweshwar Sahakari Bank Ltd. Pune;
- (f) It is made clear that Respondent No.3/Bank to the Civil Application to allow operation of the bank account in favour of such members who may be allowed to operate the bank account for clearing the urgent dues as may be decided by the Executive Committee;
- (g) A copy of the resolution as may be passed by

the Executive Committee shall be forwarded to the Bank /Respondent No.3 in Civil Application, duly certified by the advocate for the petitioner and then bank shall permit such members who will be authorized by the Executive Committee to operate the said bank account;

- (h) The Writ Petition is disposed of in the aforesaid terms.
- (i) In view of disposal of the Writ Petition, nothing survives in the Civil Applications and the same are disposed of accordingly;
- (j) All parties to act on the authenticated copy of this order.

(R.D.DHANUKA, J.)